

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY E. WILLIAMS, :
: Plaintiff, : CIVIL ACTION NO. 14-3765
: :
v. :
: COMMONWEALTH OF :
PENNSYLVANIA DEPARTMENT OF :
CORRECTIONS, et al., :
: Defendants. :

MEMORANDUM OPINION

Smith, J. April 28, 2015

The *pro se* plaintiff, Anthony E. Williams, commenced this action under 42 U.S.C. § 1983 in May 2014, based on allegations that the various defendants had imprisoned him beyond his maximum sentence date.¹ Compl., Doc. No. 1-1. The plaintiff sought leave to proceed *in forma pauperis*. Mot. to Proceed in Fora [sic] Pauperis, Doc. No. 1-1; Appl. to Proceed in Dist. Ct. Without Prepaying Fees or Costs, Doc. No. 3.² On August 4, 2014, the court granted the plaintiff leave to proceed *in forma pauperis*, but dismissed the original complaint after reviewing it under 28 U.S.C. § 1915(e)(2)(B). See Aug. 4, 2014 Mem. Op., Doc. No. 4; Aug. 4, 2014 Order, Doc. No. 5.

Regarding the dismissal, the court dismissed with prejudice the section 1983 claims against the Department of Corrections, State Correctional Institution – Mercer, State Correctional Institution – Camp Hill, and State Correctional Institution – Graterford, but

¹ The plaintiff originally filed the action in the United States District Court for the Western District of Pennsylvania, and the action was docketed there at 2:14-cv-00674. See W.D. Pa. ECF Docket Sheet, Doc. No. 1. Via a “Memorandum Order” on June 16, 2014, the Honorable Maurice B. Cohill transferred the case to this court. See Mem. Order, Doc. No. 1-3.

² The court initially denied without prejudice the plaintiff’s first request to proceed *in forma pauperis* because it lacked sufficient financial information to allow the court to rule on the request. July 9, 2014 Order, Doc. No. 2.

dismissed without prejudice the claims against the remaining defendants to allow the plaintiff to allege the facts underlying his purported cause of action.³ *See* Aug. 4, 2014 Mem. Op. at 7-8. Although the court gave the plaintiff 30 days to file an amended complaint, *i.e.* until September 3, 2014, he did not file his amended complaint until November 24, 2014. Doc. No. 6. On December 29, 2014, he also filed a document that appeared to be a request for reconsideration of the court's August 4, 2014 order. Doc. No. 7.

The court entered a memorandum opinion and order on January 13, 2015, in which the court (1) denied the plaintiff's request for reconsideration, (2) again dismissed with prejudice the plaintiff's claims against the Department of Corrections, State Correctional Institution – Mercer, State Correctional Institution – Camp Hill, and State Correctional Institution – Graterford, (3) dismissed with prejudice the plaintiff's claims against Judge James T. Anthony, and (4) dismissed without prejudice the plaintiff's claims against the remaining defendants. *See* Jan. 13, 2015 Mem. Op. at 15-17, Doc. No. 8; Jan. 13, 2015 Order, Doc. No. 9. The court once again provided the plaintiff with leave of 30 days, *i.e.* until February 12, 2015, to file a second amended complaint. *See* Jan. 13, 2015 Ord.

The plaintiff did not file a second amended complaint within 30 days, and his next filing with the court occurred on March 10, 2015, when he filed a petition for an extension of time to file a second amended complaint. Doc. No. 10. On March 11, 2015, the court granted the part of the petition seeking an extension of time to file the second amended complaint and gave the plaintiff 30 days to file the document.⁴ *See* Mar. 11, 2015 Order, Doc. No. 11. The court

³ The complaint was almost completely devoid of factual allegations underlying the plaintiff's claims.

⁴ The court denied all of the other requests in the petition, which included requests for (1) an extension of 180 days to file a second amended complaint, (2) a court order directing the Lehigh County clerk of courts to produce a "complete transmittal" of the proceedings on June 2, 2010 in case no. 4647-2009, and (3) this court and the clerk of court to send any future correspondence or documents to him by certified mail. *See* Mar. 11, 2015 Order.

advised the plaintiff that if he did not file a second amended complaint within 30 days, the court would “dismiss this action and close the case without any further notice to the plaintiff.” *Id.*

Well over 30 days have passed since the court’s March 11, 2015 order and the plaintiff has failed to file a second amended complaint. Accordingly, the court will dismiss this action with prejudice for the plaintiff’s failure to timely file a second amended complaint in accordance with the court’s orders.

An appropriate order follows.

BY THE COURT:

/s/ *Edward G. Smith, J.*
EDWARD G. SMITH, J.